



**Issues for Discussion at EPA /West Virginia Closure Meeting on Phase I WIP -
November 5, 2010**

James Edward to: Scott.G.Mandirola

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Cc: Robert Wood, Teresa.M.Koon, essenthier.leo, antos.katherine,
power.lucinda, Jon Capacasa, Julie Winters

Hi Scott:

As we are fast approaching the November 29 deadline for the final Phase I Watershed Implementation Plans, I want to ensure that we have identified and set a path forward for resolving any and all major policy issues that were raised in our summary comments to you on September 29, meetings and conference calls between our staff on September 30 and October 18, and Rob Wood's follow up email to you on October 6. I am sending this note to you on Rob's behalf since he is out of the office until Wednesday. As Rob indicated in his email to you on October 26, we have scheduled a conference call with you and your staff for 11 - 1 on November 5.

We also are asking jurisdictions to submit their full input decks and rewrites of Watershed Implementation Plan chapters or sections by November 12 to allow enough time to exchange feedback and resolve any outstanding concerns or questions prior to the November 29 final submission. The November 12 deadline would be the last opportunity for West Virginia to see the results of its input deck run prior to November 29. These deadlines are to ensure that West Virginia is not surprised by the results of EPA's Watershed Implementation Plan evaluation and the final TMDL allocations.

Our hope is that on November 5, we can reach agreement on the following issues so West Virginia can submit a final Phase I Watershed Implementation Plan that meets EPA's expectations for reasonable assurance and achieves and maintains the nutrient and sediment allocations.

- ensuring consistency between what is included in West Virginia's input deck and Watershed Implementation Plan for agricultural BMPs in order to increase reasonable assurance that agricultural BMPs will be achieved and maintained;
- closing the gap between West Virginia's sediment allocation and the WIP input deck;
- EPA's analysis of West Virginia's request for a nitrogen and phosphorus exchange using an equivalency ratio.

This call will also provide us with the opportunity to follow up on commitments we made as a result of prior discussions.

Please don't hesitate to contact Leo, Rob or me if you have any questions. Rob and I look forward to our continued dialogue and working with you on developing a strong and defensible Watershed Implementation Plan....thanks Jim

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